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**Attorneys for the United States**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE

Plaintiff-Intervenor,

v.

WALKER RIVER IRRIGATION DISTRICT,

a corporation, et al.,

Defendants.

) 3:73-cv-00127-MMD-WGC

)

) **UNITED STATES' AND THE WALKER**

) **RIVER PAIUTE TRIBE'S NOTICE IN**

) **OPPOSITION TO DEFENDANTS'**

) **REQUEST FOR ORAL ARGUMENT**

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1 In response to *Principal Defendants’ Request for Oral Argument* (ECF No. 2660)  
 2 (Defendants’ Request), the United States and Walker River Paiute Tribe (Plaintiffs) provide this  
 3 notice in opposition to the request on the grounds that such argument is unnecessary. Moreover,  
 4 Defendants’ request is untimely and in conflict with Local Rule 78-1.

5 Pending before this Court is *Plaintiffs’ Joint Motion for Partial Summary Judgment* (ECF  
 6 No. 2638) (Plaintiffs’ Motion). In their motion, Plaintiffs raise only questions of law centered on  
 7 a limited number of established United States Supreme Court and Ninth Circuit Court of Appeals  
 8 cases. Together, Plaintiffs’ Motion, Defendants’ Response (ECF No. 2649), and Plaintiffs’ Reply  
 9 (ECF No. 2659) amply illustrate that the primary dispute between the parties here centers on the  
 10 interpretation of a single case, *Arizona v. California*, 460 U.S. 605 (1983) (ubiquitously referred  
 11 to as “*Arizona II*” in briefing).

12 Defendants’ Request states that oral argument is needed based on their “review of  
 13 [Plaintiffs’ Reply].” However, Defendants provide no explanation of what their “review”  
 14 uncovered in Plaintiffs’ Reply. Moreover, Plaintiffs’ Reply raised no new issues and was tied  
 15 strictly to countering arguments raised in Defendants’ Response. The parties have been given full  
 16 opportunity to be heard by the Court through briefing, and oral argument is not an opportunity to  
 17 give a responding party the last word.

18 Defendants’ Request also does not comply with the Local Rules. The applicable Local  
 19 Rule of the United States District Court for the District of Nevada provides:

20 **ORAL ARGUMENT**

21 All motions may be considered and decided with or without a hearing. Any party  
 22 making or opposing a motion who believes oral argument may assist the court and  
 23 wishes to be heard may request a hearing by inserting the words ORAL  
 24 ARGUMENT REQUESTED below the title of the document on the first page of the  
 25 *motion or response. Parties must not file separate motions requesting a hearing.*

26 LR 78-1 (emphasis added).

27 Oral argument was not requested in Plaintiffs’ Motion nor in Defendants’ Response and,  
 28 as stated, Plaintiffs’ Reply was strictly limited to answering the arguments raised in Defendants’

1 Response. No justification exists for oral argument and, Plaintiffs' Motion can be  
2 satisfactorily resolved based on the arguments set forth in the relevant briefs as plainly  
3 provided in LR 78-1.

4 Dated: March 10, 2021

Respectfully submitted,  
Jean E. Williams  
Acting Assistant Attorney General

6 Andrew "Guss" Guarino, Trial Attorney  
7 Tyler J. Eastman, Trial Attorney  
8 Marisa J. Hazell, Trial Attorney

9 By /s/ Andrew "Guss" Guarino  
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**Certificate of Service**

It is hereby certified that on March 10, 2021 service of the foregoing was made through the court's electronic filing and notice system (CM/ECF) to all of the registered participants.

Further, pursuant to the Superseding Order Regarding Service and Filing in Subproceeding C-125-B on and by All Parties (ECF 2100) at 10 ¶ 20, the foregoing does not affect the rights of others and does not raise significant issues of law or fact. Therefore, the United States has taken no step to serve notice of this document via the postcard notice procedures described in paragraph 17.c of the Superseding Order."

By /s/ Andrew "Guss" Guarino  
Andrew "Guss" Guarino